

From: [Bengt E. Nergaard](#)
To: [Rahul Wanchoo \(wanchoo@wanchoolaw.com\)](mailto:wanchoo@wanchoolaw.com)
Subject: FW: M/T DA YUAN HU and M/T DA MING HU Demurrage Claims; our ref. 83-16
Date: Monday, May 02, 2016 2:17:18 PM

From: Bengt E. Nergaard
Sent: Wednesday, April 20, 2016 11:03 PM
To: DEHART, MICHAEL
Subject: Re: M/T DA YUAN HU and M/T DA MING HU Demurrage Claims; our ref. 83-16

Hey, Mike.

Thank you for this.

Just so that we are clear about Owner's intentions:

We are not going to enter into a discussion about the merits with the goal of reaching a compromise. As I explained when we spoke at the CMA, we need clear guidelines here as we are wasting far too much time going over the same ground over and over on each case. So either Tesoro pays in full or we get it resolved with an award.

Also, the undisputed amounts were paid unacceptably late and Owner will claim (and get) interest in the arbitration. We can always talk about the interest rate, but we have to pay interest on our credit line because of the late payments from Tesoro and we need that reimbursed.

If this is not acceptable, please let me know and appoint Tesoro's arbitrator without further delay.

Awaiting yours.

Best,

Bengt

Sent from my iPhone

On Apr 20, 2016, at 6:32 PM, DEHART, MICHAEL <Dehart@FREEHILL.COM> wrote:

Hi Bengt,

My apologies for now getting back to you sooner. We have sent a formal opinion to our client and are awaiting their response. It is our belief that these claims can and should be resolved without proceeding to arbitration, and we are very confident that our client will share in this belief. As such, we do not see it necessary for you to have a second arbitrator appointed by way of the court.

We will be in touch within a week with our final thoughts on this matter, with the hope being that at that time we will be able to work towards a consensual resolution.

Best regards,

Mike

MICHAEL J. DEHART
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From: Bengt E. Nergaard [<mailto:Bengt.Nergaard@HEIDMAR.com>]
Sent: Wednesday, April 20, 2016 9:50 AM
To: DEHART, MICHAEL
Subject: RE: M/T DA YUAN HU and M/T DA MING HU Demurrage Claims; our ref. 83-16

Good morning, Mike.

Having not heard from you, I have just spoken with Rahul Wanchoo and instructed him to file the necessary motions to have a second arbitrator appointed by the Federal Court under all three charter parties. The costs of this exercise will be claimed by from Tesoro.

Just wanted to give you a heads up.

Best,
Bengt

From: Bengt E. Nergaard
Sent: Friday, April 15, 2016 8:55 AM
To: 'DEHART, MICHAEL'
Subject: RE: M/T DA YUAN HU and M/T DA MING HU Demurrage Claims; our ref. 83-16

Good morning, Mike.

Time is flying and I need to move these claims along. If you cannot provide me with a deadline for when you will revert with your conclusions, I have no choice but to proceed. Please let me know.

Thank you.

Best,
Bengt

From: DEHART, MICHAEL [<mailto:Dehart@FREEHILL.COM>]
Sent: Friday, April 01, 2016 4:57 PM
To: Bengt E. Nergaard
Subject: RE: M/T DA YUAN HU and M/T DA MING HU Demurrage Claims; our ref. 83-16

Hi Bengt,

We spoke with our client about this matter earlier this week and have asked them to provide us with some additional information to help us further evaluate Heidmar's claims. We hope to hear back from them soon and will be in touch with you shortly once we have had an opportunity to review this additional information.

Have a good weekend.

Best regards,
Mike

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From: Bengt E. Nergaard [<mailto:Bengt.Nergaard@HEIDMAR.com>]
Sent: Wednesday, March 23, 2016 4:59 PM
To: DEHART, MICHAEL
Subject: RE: M/T DA YUAN HU and M/T DA MING HU Demurrage Claims; our ref. 83-16

Hi, Mike.
Good to chat with you today, and just wanted to follow up with a quick email to remind you (considering that you now have to scramble to put up security for \$36 mill. once again!).
Hope to hear from you soon about our cases.
Best,
Bengt

From: DEHART, MICHAEL [<mailto:Dehart@FREEHILL.COM>]
Sent: Thursday, March 03, 2016 6:46 PM
To: Bengt E. Nergaard
Subject: RE: M/T DA YUAN HU and M/T DA MING HU Demurrage Claims; our ref. 83-16

Hi Bengt,

Thank you for your email and my apologies for not responding earlier in the day. We are discussing how to proceed with our client and will likely be in touch sometime next week.

Best regards,
Mike

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From: Bengt E. Nergaard
[<mailto:Bengt.Nergaard@HEIDMAR.com>]
Sent: Thursday, March 03, 2016 10:24 AM
To: DEHART, MICHAEL
Subject: RE: M/T DA YUAN HU and M/T DA MING HU
Demurrage Claims; our ref. 83-16

Good morning, Mike.
Just checking in to see when you think I may expect to hear from you. These are really very simple issues and for an experienced legal shipping team like that at Freehills it should not take long to make a decision what to advise the client to do with them.
Awaiting yours.
Thank you.
Best,
Bengt

From: DEHART, MICHAEL [<mailto:Dehart@FREEHILL.COM>]
Sent: Wednesday, February 24, 2016 6:19 PM
To: Bengt E. Nergaard
Cc: Lakhbir Sidhu; Joe Garin
Subject: RE: M/T DA YUAN HU and M/T DA MING HU
Demurrage Claims; our ref. 83-16

Dear Mr. Nergaard,

Thank you very much for your email. We are in the process of reviewing your claims and look forward to speaking with you in the future.

Best regards,
Mike

MICHAEL J. DEHART
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From: Bengt E. Nergaard
[<mailto:Bengt.Nergaard@HEIDMAR.com>]
Sent: Wednesday, February 24, 2016 5:30 PM

To: DEHART, MICHAEL
Cc: Lakhbir Sidhu; Joe Garin
Subject: RE: M/T DA YUAN HU and M/T DA MING HU
Demurrage Claims; our ref. 83-16

Dear Mr. Dehart,

Thank you for your email, and your involvement on behalf of Tesoro is well noted.

I am of course prepared to give you an opportunity to review the documents of these three claims, but as summarized in my email to Mr. Davies of the UK Club on February 18, these are not complicated issues and I trust you will be able to revert shortly.

Looking forward to hearing from you.

Best regards,

Bengt E. Nergaard

From: DEHART, MICHAEL
[mailto:Dehart@FREEHILL.COM]
Sent: Wednesday, February 24, 2016 5:15 PM
To: Bengt E. Nergaard
Subject: M/T DA YUAN HU and M/T DA MING HU
Demurrage Claims; our ref. 83-16

Dear Mr. Nergaard,

We have been retained by Tesoro Corporation in connection with the demurrage claims being advanced by Blue Fin Tankers ("Owners") arising under charter parties for the M/T DA YUAN HU and M/T DA MING HU. Our client has provided us with the documents regarding Owners' claims as well as your recent correspondence in which you suggested you would file an action seeking an order appointing an arbitrator in connection with the claims. We are currently reviewing the claims as well as your proposal for a simplified procedure for resolution and will provide you with our comments once we conclude our review.

Given our recent involvement, we assume that you will refrain from making any application with the court pending our response. Please understand, however, that if you elect to go forward with filing an action, our client reserves its rights to seek attorneys fees and costs associated with any such action.

Please feel free to contact us if you have any questions.

Best regards,
FREEHILL, HOGAN & MAHAR LLP

Michael Dehart

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